



72(b). If the petitioner fails to properly object because the objections lack the requisite specificity, then de novo review by the court is not required.

Petitioner filed timely objections to the Magistrate Judge's Report and Recommendation on June, 27 2014. (ECF No. 14.) However, the Petition is moot because Petitioner unfortunately passed away on June 22, 2016. (ECF No. 16.) A person bringing a claim under 28 U.S.C § 2254 must be in custody to be entitled to relief.<sup>1</sup> Consequently, because Petitioner has died, and is no longer in custody, he is no longer entitled to relief under 28 U.S.C. § 2254.

Based on the aforementioned reasons and a thorough review of the Report of the Magistrate Judge and the record in this case, the court **ACCEPTS** the Report of the Magistrate Judge (ECF No. 12), with the modification that this Petition (ECF No. 1) be **DISMISSED** with prejudice.

**IT IS SO ORDERED.**



United States District Judge

October 28, 2016  
Columbia, South Carolina

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<sup>1</sup> “The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus *in behalf of a person in custody* pursuant to the judgment of a State court *only on the ground that he is in custody* in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C § 2254(a) (emphasis added).